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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/399,682	09/21/1999	KEHSING J. CHOU	A8009	2544

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EXAMINER

PHAM, HUNG Q

ART UNIT	PAPER NUMBER
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2162

DATE MAILED: 11/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary**Application No.**

09/399,682

Applicant(s)

CHOU ET AL.

Examiner

HUNG Q PHAM

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-21 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 22-24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, with respect to the rejection of claims 1, 8 and 15 under U.S.C § 112, first paragraph, see page 8, filed 06/18/2004, have been fully considered and are persuasive. The rejection of claims 1, 8 and 15 has been withdrawn.

2. Applicant's arguments with respect to the rejection of claims 1-21 under U.S.C § 102 (e) have been fully considered but they are not persuasive.

(a) As argued by applicant at page 9:

Chang (USP 6,263,342) was previously applied by an examiner at the USPTO in an Office Action dated September 7, 2004 in rejecting claims 1-21 under 35 U.S.C § 102. In response to the Office Action, applicant filed an Amendment under 37 C.F.R § 1.111 on December 6, 2001. As a result, the rejection of claims 1-21 over Chang was withdrawn.

Now, an examiner at the USPTO is again citing Chang for anticipating claims 1-21. However, full faith and credit should be given to the search and action of a previous examiner unless there is a clear error in the previous action or knowledge of other prior art... Therefore, applicant respectfully requests that the present examiner withdraw the rejection of claims 1-21 over Chang and give full faith and credit to the actions of the previous examiner.

Examiner respectfully declines the request of withdrawing the rejection of claims 1-21 under U.S.C § 102 (e) because there is a clear error in the action of the previous examiner with respect to the reference has a common assignee with the applicant's application (USP 6,263,342).

(b) In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., *however, Chang does not teach or suggest at least retrieving data from a search gateway data source. As indicated on page 45, lines 7-17 of the specification for the present invention as originally filed, which describes a search gateway data source... For example, a Domino Extended Search (DES), a type of search gateway data sources...*) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

(c) As argued by applicant at page 11:

However, merely because a sub query can be performed does not mean that a search gateway data source is disclosed. In particular, it would be clear to one skill in the art that a sub query is not a search gateway data source as claimed.

Examiner respectfully traverses because of the following reasons:

Chang discloses that each created datastore object 9 represents and manages a particular target datastore based on its version (Col. 30, Lines 18-29). For example DatastoreDL implements Digital Library datastore (Col. 33, Lines 40-41), DatastoreTS implements Text Search datastore and Digital Library (Col. 36, Lines 23-31), DatastoreOBIC implements Query By Image Content (QBIC) datastore (Col. 39, Lines 15-24), and DatastoreFederated implements federated datastore 37 client and server (FIG. 9, Col. 40, Lines 28-30). QBIC provides image indexing and search mechanisms

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for Digital Library data. However, QBIC itself does not store any image data. QBIC indexes image parts in documents and process search requests using this index. The results of an image query submitted to QBIC are DL item identifiers, which are keys to retrieve the actual documents and their parts from a DL datastore (Col. 39, Lines 15-24). As seen, the result from DB2 datastore can be viewed as *data from a terminal data repository*, as this datastore does not have the capability to expand the search to other data repositories. The result from QBIC can be viewed as *data from search gateway data source*, and *without a schema conceptual view of the data*, as QBIC has the capability to expand the search to DL datastore also a different version with federated datastore (only federated data store has *schema conceptual view*, Col. 4, Lines 33-41).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Chang et al. [USP 6,263,342 B1].**

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

Regarding claims 1, 8 and 15, Chang teaches a computer method and system capable of searching multiple heterogeneous datastores by employing an object oriented data model to define a federated datastore object. As illustrated at FIG. 9, the

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federated datastore 37 coordinates query evaluation, data accessing, and transaction processing of the participating datastores (Col. 40, Lines 55-57). As seen, the federated datastore 37 as *a given federated data source* coordinates query evaluation, data-access, and transaction processing of the participating datastores as *receiving a request for data*. The federated data store object can provide a unified conceptual view of all of the included data stores by mapping or without mapping (Col. 4, Lines 33-41), and the included data stores could be native data stores or its associated federated data store 37 (Col. 21, lines 50-53). Native datastores could be DB2, Visual Info, On Demand, and Digital Library (FIG. 9, Col. 4, Lines 20-28). As seen, federated data store 37 as *the given federated data source providing a unified schema conceptual view of* several data stores, for example: Visual Info, On Demand, Digital Library as *(a) the data from the plurality of datastores, (b) DB2 as the data from the terminal data repositories*, and its associated federated data store as *(c) the data and schema conceptual view from the other federated data sources*. As illustrated at FIG. 2, query object 13 is an interface for a query object associated with one specific datastore. The result is usually a result object 6 (Col. 19, Lines 31). Query 13 is implemented by FederatedQuery 19, which delegates the processing task to each of the native data stores or to its associated federated data store 37 (Col. 21, lines 44-59). As illustrated at FIG. 4, a user can submit a query by creating a specific datastore object 9 to give him/her access to the query processing functions provided by that datastore 9 (Col. 9, Lines 21-24). Each created datastore object 9 represents and manages a particular target datastore based on its version (Col. 30, Lines 18-29). For example DatastoreDL implements Digital Library datastore (Col.

33, Lines 40-41), DatastoreTS implements Text Search datastore and Digital Library (Col. 36, Lines 23-31), DatastoreOBIC implements Query By Image Content (QBIC) datastore (Col. 39, Lines 15-24), and DatastoreFederated implements federated datastore 37 client and server (FIG. 9, Col. 40, Lines 28-30). QBIC provides image indexing and search mechanisms for Digital Library data. However, QBIC itself does not store any image data. QBIC indexes image parts in documents and process search requests using this index. The results of an image query submitted to QBIC are DL item identifiers, which are keys to retrieve the actual documents and their parts from a DL datastore (Col. 39, Lines 15-24). As seen, from the federated datastore 37 as *the given federated data source, data is retrieved from a plurality of datastores* by the implementation of FederatedQuery. The result from DB2 datastore can be viewed as *data from a terminal data repository*, as this datastore does not have the capability to expand the search to other data repositories. The result from QBIC can be viewed as *data from search gateway data source*, and *without a schema conceptual view of the data*, as QBIC has the capability to expand the search to DL datastore, and a different version with federated datastore (only federated data store has *schema conceptual view*, Col. 4, Lines 33-41). The result from federated data store 37 is *data, with a schema conceptual view of the data, from one or more other federated data sources*.

Regarding claims 2, 9 and 16, Chang teaches all the claimed subject matters as discussed in claims 1, 8 and 15, Chang further discloses *each search gateway data source searches for data in one or more other data sources* (Col. 2, lines 16-50).

Regarding claim 3, 10 and 17, Chang teaches all the claimed subject matters as discussed in claims 1, 8 and 15, Chang further discloses *each federated data source, each terminal data repository, and each search gateway data source is represented by a data object* (FIG. 6, Col. 10, lines 24-31).

Regarding claims 4, 11 and 18, Chang teaches all the claimed subject matters as discussed in claims 3, 10 and 17, Chang further discloses *each data object is based on a class that inherits the properties of a base datastore class* (FIG. 3, Col. 8-9, Col. 22, lines 16-42).

Regarding claims 5, 12 and 19, Chang teaches all the claim subject matters as discussed in claims 4, 11 and 18, Chang further discloses *each data object is manipulated via methods of the class on which the data object is based* (Col. 22, line 16-Col. 30, line 5).

Regarding claims 6, 13 and 20, Chang teaches all the claim subject matters as discussed in claims 1, 8 and 15, Chang further discloses the step of *submitting a search gateway query from the given federated data source to each search gateway data source* (FIG. 6, Col. 10, lines 24-31).

Regarding claims 7, 14 and 21, Chang teaches all the claim subject matters as discussed in claims 1, 8 and 15, Chang further discloses *each terminal data repository*

and each search gateway data source may be queried for data directly (FIG. 6, Col. 10, lines 24-31).

Allowable Subject Matter

5. Claims 22-24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance:

The closest available prior art, USP 6,263,342 B1, issued to Chang et al. also teaches a method and system of searching multiple heterogeneous datastores. However, Chang fails to teach or suggest *one or more search gateway data sources is a Domino Extended Search (DES)*. Therefore, the invention is allowable over the prior art of record for being directed the claimed elements including the providing feature as indicated above.

Conclusion

6. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUNG Q PHAM whose telephone number is 571-272-4040. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN E BREENE can be reached on 571-272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner Hung Pham
November 10, 2004


SHAHID ALAM
PRIMARY EXAMINER